

strike. First of all, I do not feel that the messenger service is illegal. Anything done pursuant to a legal operation which is not prohibited by law, that thing is not illegal. The Legislature, because Aksarben through the Thoroughbred Racers Association, got to Senator Savage and got him to introduce a motion which violated an agreement that was made with the committee hearing this bill. They now have put you in the position you are in. They picked the people who are uninformed in order to break agreements and violate solemn promises. Then they try to rationalize it and to tell you how bad a situation this was, the bill came before the committee to make illegal the racetrack messenger service. The bill probably could not have gotten out of committee. So a deal was struck. Now what I'm wondering is how many times, if I am an Indian and my brother is an Indian and I've seen him tricked ten times, how many times will I have to be tricked to realize that I'm dealing with a trickster? This agreement that was made with reference to the bill was that a study would be undertaken. It was stated by the parties at interest that a bill on General File would offer a club, would offer a basis for arriving at a serious study that would deal with the issue. Now this agreement was violated and though the bill was advanced pursuant to a portion of it, the powers that be decided to use that power to compel and make the Legislature do what they could not get the committee to do on its own. So they are attempting to take an action which is illegal, which is not illegal, and make it illegal. The punishment that they have prescribed as the law exists right now that Senator Savage is trying to get you to enact would be a fine of not less than \$100, no more than \$500 or and be imprisoned in the county jail for six months. I think that is excessive. I don't think that that penalty comports with the conduct which you are attempting to make a crime. You were saying that it's alright for a grocery store to operate and sell items of groceries which would include food, washing powder, liquid soap, bar soap, meat products, dairy products, corn, wheat, products of the ground, in other words products on the hoof and products that come from the animals on the hoof which would be milk and other extracts. You're saying that it's alright to operate a grocery store and sell and purchase those items. But you are saying that if somebody sends a person to the store to purchase some of these items, that person's conduct is to be made illegal. Why are you doing it on just one end? It takes, as somebody said, two to tango. It takes two hands to clap. So why are you going to make it a crime for a person to accept money to deliver the bets to the track but you're not going to make it a crime for a person to offer money and send the bets to the track. Without having a market for a commodity, you cannot sell it. You cannot move it. To have a deal where there is to be a buying and a selling, you must have a customer and you must have a seller and they must both be willing or no sale will occur. In this particular instance, we're talking about a transaction. In order to have a transaction, you must have a person who wants to place a bet without going to the track. You must have an individual willing to accept that money and deliver it to the track for a fee. Now the fee is the consideration. We have a binding agreement. We have an agreement which has been consummated. We have a willing seeker for an item; we have a willing deliverer of the item. We have the passage or the extending of consideration. So we now have a binding agreement. Mr. A has agreed to send the money to the track. Mr. B has agreed to